

Austin, Texas,
February 28, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 134 carefully examined, compared and read, and find the same correctly enrolled.

STONE of Galveston,
Chairman.

TWENTY-NINTH DAY

(Wednesday, March 1, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield

Absent—Excused

Small

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Collie and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence Granted

Senator Small was granted leave of absence for today on account of important business, on motion of Senator Metcalfe.

Reports of Standing Committees

The following reports of the Committee on State Affairs were submitted by Senator Weinert:

Austin, Texas,
February 28, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 186 by Sulak, A bill to be entitled "An Act to establish a definite policy of this State with reference to the operation of dams and reservoirs constructed by public authorities created by Acts of the Legislature pursuant to the provisions of Section 59 of Article 16 of the Constitution of the State of Texas; declaring the primary purpose for which such dams and reservoirs shall be used; fixing the proportion of reservoir storage which shall be dedicated to the purpose of controlling flood waters; vesting the State Board of Water Engineers with certain powers and duties in connection with the provisions of this Act; providing penalties for the violation of any of the provisions hereof; authorizing suit for damages by any injured party for the negligent or willful violation of the provisions of this law; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

WEINERT, Chairman.

Austin, Texas,
February 28, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 232 by Small, A bill to be entitled "An Act creating a Special Road Law for Carson County, Texas, providing that said county may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of January 31st, 1939, by the issuance of funding bonds; providing that items of indebtedness as of said date, in the form of scrip, time warrants, or funding warrants, may be included in such funding bond issue; setting forth the method of issuing such funding bonds; validating all acts of the Commissioners' Court and of the county officials of said county in issuing said scrip or warrants; validating said scrip or

warrants; providing that the General Laws pertaining to roads and bridges shall be applicable to said county when not in conflict with the provisions hereof; repealing all laws or parts of laws in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
February 28, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. C. R. No. 13 by Spears, Granting permission to Edwin Marckwardt to sue the State of Texas and the State Highway Commission,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,
February 28, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. C. R. No. 14 by Brownlee, Granting permission to S. D. Evans, I. V. Limuel, Rango Limuel, Alma White (Limuel), Tallie Limuel, Jessie Limuel, Higgle Jackson, Parilee Haywood, and Bertha King to sue Bastrop County,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,
February 28, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 264 by Martin, A bill to be

entitled "An Act granting permission to Mount Olivet Cemetery Company, a private corporation chartered under the laws of this State, and to bring and prosecute suit against the State of Texas and the State Highway Commission of Texas in any court of competent jurisdiction in Tarrant County, Texas, to ascertain the amount, if any, due the Mount Olivet Cemetery Company for damages alleged to have been sustained by reason of the construction and maintenance of the State Highway and the overpass on said State Highway which runs in a general easterly and westerly direction on the north side of the cemetery belonging to and operated by the Mount Olivet Cemetery Company in Tarrant County, Texas, etc., and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,
February 28, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. C. R. No. 30 by Howard "Accepting a donation from the Houston Light Guard Veterans Association, Inc., of certain lots and a building located within the City of Houston, for the maintenance of a permanent armory for Company G, 143rd Infantry, Texas National Guard, also known as the Houston Light Guard, and its successor; creating the Houston Light Guard Armory Board of Control; and directing the execution of a deed from the officers of the Houston Light Guard Veterans Association, Inc.; conveying the property to the State of Texas, for the use and benefit of the Houston Light Guard, now designated as Company G, 143rd Infantry, Texas National Guard, and for those persons formerly members of the predecessors of this military unit, and for the successors of such military unit, however designated, and the members of such successor unit,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recom-

mendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,
February 28, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. C. R. No. 41 by White, "Indorsing the plan for a great National Patriotic Revival, and authorizing and requesting the Governor to direct and arrange for suitable observance of Flag Week,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,
March 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred S. B. No. 271, A bill to be entitled "An Act creating the 127th District Court of Harris County; defining its jurisdiction; adjusting the business of the existing District Courts to the business thereof; prescribing the duties of the District Clerk with respect thereto; providing for the appointment of a District Judge therefor; repealing all laws in conflict therewith to the extent of such conflict only; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Vice Chairman.

Austin, Texas,
March 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred H. B. No. 221, A bill to be entitled "An Act amending Acts of 1934, Third Called Session, Forty-third Legislature of Texas, page 118, Chapter 63; otherwise identified as Article 3886d, Revised Civil Statutes of 1925 of the State of Texas, by authorizing the District Attorney of the

Ninth Judicial District to appoint a special investigator in and for Montgomery County, Texas; providing salary; providing nothing in the Act shall be construed to affect any law with reference to investigators or stenographers in other Judicial Districts; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Vice Chairman.

Senate Bills on First Reading

The following bills were introduced, read severally first time, and referred to the committees indicated:

By Senator Roberts:

S. B. No. 273, A bill to be entitled "An Act making an appropriation of the sum of Two Hundred and Seventy-five Thousand (\$275,000.00) Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to pay the contingent expenses and to pay the per diem of members and the per diem of officers and employees of the Regular Session of the Forty-sixth Legislature, and declaring an emergency."

Referred to Committee on Finance.

By Senator Aikin:

S. B. No. 274, A bill to be entitled "An Act designating the office of the State Treasurer of Texas at Austin as the place of payment of bonds of political subdivisions of the State together with the interest coupons attached to such bonds when the same are or have been purchased for or on behalf of the Permanent Free School Fund of Texas; defining certain words and phrases used in this Act; declaring the Act to be severable, and declaring an emergency."

Referred to Committee on Education.

By Senator Burns:

S. B. No. 275, A bill to be entitled "An Act to reorganize the 87th Judicial District of Texas, to be constituted of Limestone, Freestone, Anderson and Leon Counties, Texas, and to provide for the terms thereof; to provide that the Judge of the 87th

Judicial District shall continue to serve in said District and the period thereof; and to provide that the District Attorney of the 12th Judicial District, now elected and acting, shall represent the State in all criminal and civil cases in which the State is interested hereafter tried in the 87th Judicial District in Leon County, Texas, and to provide that the District Clerk in the respective counties composing the 87th Judicial District herein reorganized, shall serve as the District Clerks of the 87th Judicial District; and to provide that all processes and writs issued or served and recognizances and bonds and undertakings entered into before this Act takes effect and made returnable to the 87th Judicial District in Limestone, Freestone, and Anderson Counties, shall be considered as returnable to the next succeeding term of the 87th Judicial District Court in reorganizing the same, and to provide that all grand and petit juries drawn and selected under the existing laws, in either Anderson, Limestone, Freestone, or Leon Counties, shall be considered as legally drawn and selected for the next ensuing term of the District Court of their respective counties, providing for the jurisdiction of said 87th Judicial District; and providing a seal for said 87th Judicial District Court in Leon County; and to change and prescribe the terms for holding District Court of the 12th Judicial District of the State of Texas; and to conform all writs and processes of such court to such changes; and to make all writs and processes issued or served before this Act takes effect, including recognizances and bonds returnable to the terms of court in the several counties in said 12th Judicial District as herein fixed, and to validate the summoning of grand and petit jurors and juries, and providing for the continuation of court in session in said District when this Act takes effect, to the end of its term; repealing all laws or parts of laws in conflict herewith; providing that if any section of this Act be held unconstitutional or invalid for any reason, the same shall not impair or affect the remaining sections or provisions, and declaring an emergency."

Referred to Committee on Judicial Districts.

By Senator Martin:

S. B. No. 276, A bill to be entitled "An Act providing for the establishment of a State Board of Embalming, providing for the appointment and terms of the members thereof and for their removal, granting powers and imposing duties upon said Board; and declaring an emergency."

Referred to Committee on Public Health.

By Senator Martin:

S. B. No. 277, A bill to be entitled "An Act amending Section 4 and Section 7, Chapter 287, Acts of the Regular Session of the Forty-fourth Legislature, relating to the powers of the State Board of Embalming so as to provide for refusal to issue or renew licenses and for the revocation or cancellation of licenses and the causes for which the same may be refused and revoked or cancelled, and so as to provide for appeals from the decisions of the State Board of Embalming to the State Board of Health and from the decisions of the State Board of Health to the Courts, and for trials of the issues and appeals in the courts, and to properly define the term "funeral director"; and declaring an emergency."

Referred to Committee on Public Health.

By Senator Lanning:

S. B. No. 278, A bill to be entitled "An Act to amend Section 7, Chapter 163, Acts of the Regular Session of the Forty-second Legislature, relating to the issuance of funding or refunding bonds by counties and cities; providing that the Commissioners' Court of any county or governing body of any city may pass necessary orders or ordinances for funding or refunding the whole or any part of any warrant debt of such county or city; defining the words "warrant debt" as used in this Act; prescribing method of procedure in respect of the issuance of such bonds; requiring notice of intention to issue such bonds be published once a week for two (2) consecutive weeks in such county or city, or posted at County Courthouse or City Hall if no newspaper is published in such county or city; providing that not less than ten per cent (10%) of the qualified property tax-paying voters of the county or city may file petition for an

election to determine whether or not such bonds shall be issued; providing that upon filing of such petition the Court or governing body shall order an election to determine whether or not such bonds shall be issued; providing for the manner of holding such bond election; providing that in event no such petition is presented to the Commissioners' Court or governing body within time prescribed no election on the proposition shall be required; providing such bonds shall be payable serially not exceeding forty (40) years from the date thereof, shall bear not exceeding six per cent (6%) interest and shall be executed, approved and registered in the same manner as other county or city refunding or funding bonds; and to add to said Chapter Sections 7-a and 7-b, providing that the Commissioners' Court of any county or governing body of any city shall have power without notice or right to referendum to fund or refund indebtedness to prevent or relieve a default or an impending default in payment thereof, and to issue refunding bonds for the purpose of refunding any outstanding bonds and outstanding matured interest on any outstanding bonds; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Referred to Committee on Towns and City Corporations.

By Senator Graves:

S. B. No. 279, A bill to be entitled "An Act to amend H. B. No. 30, Chapter 4, Acts of 1933, First Called Session, Forty-third Legislature, as amended by H. B. No. 122, Chapter 387, Acts of 1935, First Called Session, Forty-fourth Legislature, as amended by H. B. 54, Chapter 510, Acts of 1936, Forty-fourth Legislature, Third Called Session, and repealing all laws and parts of laws in conflict herewith; providing a saving clause; and declaring an emergency and providing the Act shall take effect from and after its passage."

Referred to Committee on Towns and City Corporations.

Senate Concurrent Resolution 15

Senator Isbell offered the following resolution:

Whereas, School laws, regulating schools and school districts and the

various educational departments in the State of Texas, have greatly multiplied in the past few years, and the manner of legislation has resulted in a complex system of laws that are confusing and conflicting and impossible to determine the law applicable to many cases, and further by reason of the present system of laws now on the statute books relating to schools, it has become in many cases impossible to determine in the the distribution of moneys appropriated for school purposes, and

Whereas, It has become extremely difficult for the various State Educational Departments, schools, and districts to quickly and efficiently determine the nature of laws and regulations applicable to any give situation relative to educational affairs; now, therefore be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That a committee be created; three to be appointed by the Speaker of the House, three by the President of the Senate, and one member of the Attorney General's staff shall constitute the seventh member thereof; to meet and study the present school laws to the end that they be recodified, and that such committee draft a proposed recodification of such school laws.

Said committee shall be empowered to employ necessary legal, stenographic and clerical help that they may deem necessary and shall present the result of its meetings and make recommendations at the next Regular or Called Session of the Texas Legislature.

The sum of One Thousand Dollars (\$1000.00), or so much thereof as may be necessary, is hereby appropriated out of the Contingent Expense Fund to pay the expenses of said committee for the purposes outlined above, and other expenses incident thereto.

The resolution was read and was referred to the Committee on Finance.

Report of Standing Committee

Senator Roberts, by unanimous consent, submitted at this time the following report of the Committee on Finance:

Austin, Texas,
March 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 273, A bill to be entitled "An Act making an appropriation of the sum of Two Hundred and Seventy-five Thousand (\$275,000.00) Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to pay the contingent expenses and to pay the per diem of members and the per diem of officers and employees of the Regular Session of the Forty-sixth Legislature, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

ROBERTS, Chairman.

Senate Bill 273 on Second Reading

Senator Roberts moved that the rule relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature be suspended and that S. B. No. 273 be considered by the Senate at this time.

The motion prevailed by the following vote:

Yeas—30

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield

Absent—Excused

Small

Senator Roberts moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 273 be placed on its second reading and

passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield

Absent—Excused

Small

On motion of Senator Roberts and by unanimous consent, Senate rules 31a and 48 were suspended and the regular order of business was suspended, to permit consideration of S. B. No. 273 at this time.

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

Senate Bill 273 on Third Reading

The President then laid S. B. No. 273 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield

Absent—Excused

Small

House Bill 221 on Second Reading

On motion of Senator Burns and by unanimous consent, Senate rule 48 was suspended, to permit consideration of H. B. No. 221 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 221, A bill to be entitled "An Act amending Acts of 1934, Third Called Session, Forty - third Legislature of Texas, page 118, Chapter 63; otherwise identified as Article 3886d, Revised Civil Statutes of 1925, by authorizing the District Attorney of the Ninth Judicial District to appoint a special investigator in and for Montgomery County, Texas, providing salary, and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 221 on Third Reading

Senator Burns moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 221 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moffett
Beck	Moore
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Weinert
Martin	Winfield
Metcalfe	

Absent

Lemens	Van Zandt
Nelson	

Absent—Excused

Small

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Moffett
Beck	Moore
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Weinert
Martin	Winfield
Metcalfe	

Absent

Lemens	Van Zandt
Nelson	

Absent—Excused

Small

Motion to Take up Senate Bill 206

Senator Kelley moved that the rule relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature be suspended and that S. B. No. 206 be considered by the Senate at this time.

The motion was lost by the following vote (not receiving the necessary four-fifths vote of the membership of the Senate):

Yeas—19

Aikin	Metcalfe
Beck	Moffett
Brownlee	Moore
Collie	Stone
Cotten	of Galveston
Graves	Stone
Hill	of Washington
Isbell	Sulak
Kelley	Van Zandt
Lanning	Winfield
Martin	

Nays—4

Burns	Pace
Hardin	Shivers

Present—Not Voting

Spears	Weinert
--------	---------

Absent

Head Redditt
Lemens Roberts
Nelson

Absent—Excused

Small

Reports of Standing Committee

Senator Van Zandt, by unanimous consent, submitted at this time the following reports of the Committee on Civil Jurisprudence:

Austin, Texas,
March 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 262 by Moore, have had same under consideration and beg leave to report back to the Senate that it do pass and be printed.

VAN ZANDT, Chairman.

Austin, Texas,
February 28, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 74, by Stinson, have had same under consideration and beg leave to report back to the Senate that it do pass as amended and be printed.

VAN ZANDT, Chairman.

Minority Report

Senator Sulak submitted at this time the following report of a minority of the Committee on State Affairs:

Austin, Texas,
March 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, a minority of your Committee on State Affairs, to whom was referred S. B. No. 186, by Sulak, have had the same under consideration and beg leave to report our recommendation that it do pass and be printed, and that this report be in lieu of the majority report unfavorably reporting said bill.

Respectfully submitted by the undersigned, having been present in

the Committee at the time said bill was reported unfavorably.

SULAK,
PACE,
COTTEN,
STONE of Washington,
GRAVES.

Senator Sulak moved that minority report on S. B. No. 186 be adopted in lieu of the majority report on the bill and asked to have the motion spread upon the Journal.

Senate Bill 137 on Engrossment

On motion of Senator Spears and by unanimous consent, S. B. No. 137 was called from the table for further consideration at this time.

The President laid before the Senate on its passage to engrossment (the bill having been read second time on February 27, 1939, and having been tabled subject to call on that day):

S. B. No. 137, A bill to be entitled "An Act to amend Article 1149 of the Penal Code of this State, relating to Assault with Motor Vehicle, by providing that if any driver or operator of a motor vehicle or motorcycle shall wilfully or with negligence collide with or cause injury less than death to any other person he shall be guilty of aggravated assault; prescribing punishment upon conviction of such offense; providing that in the event such injuries result in death the driver or operator of such motor vehicle or motorcycle shall be dealt with under the general law of homicide; providing that all laws and parts of laws in conflict herewith are expressly repealed; and declaring an emergency."

Senator Spears offered the following amendment to the bill:

Amend S. B. No. 137 by striking out the words "homicide by negligence" in line 4, Section 1, paragraph 2, and insert in lieu therefor the words "negligent homicide."

The amendment was adopted.

The bill was passed to engrossment.

Senate Bill 137 on Third Reading

Senator Spears moved that the constitutional rule requiring bills to

be read on three several days be suspended and that S. B. No. 137 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield

Absent—Excused

Small

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield

Absent—Excused

Small

Motion to Take up House Bill 374

Senator Metcalfe moved that the rule relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature be suspended and that S. B. No. 374

be considered by the Senate at this time.

The motion was lost by the following vote (not receiving the necessary four-fifths vote of the membership of the Senate):

Yeas—24

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Cotten	Roberts
Graves	Shivers
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield

Nays—2

Burns	Pace
-------	------

Absent

Collie	Redditt
Nelson	Sulak

Absent—Excused

Small

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, March 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 273, A bill to be entitled "An Act making an appropriation of the sum of Two Hundred and Seventy-five Thousand (\$275,000.00) Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to pay the contingent expenses and to pay the per diem of members and the per diem of officers and employees of the Regular Session of the Forty-sixth Legislature, and declaring an emergency."

Respectfully submitted,

E. R. LINDLEY, Chief Clerk,
House of Representatives.

Message from the Governor

The President laid before the Senate, and had read, the following message from the Governor:

Austin, Texas,
March 1, 1939.

To the Members of the Forty-sixth Legislature:

During the last session of the Texas Legislature consideration was given to the advisability of the State purchasing approximately 800,000 acres of land to be turned over to the Federal Government in order that it might be developed into the Big Bend National Park.

A bill is before this Legislature, and the purpose of this message is to point out a few interesting facts concerning this great "GIFT OF GOD" to Texas and to our Nation and to declare that an emergency exists and that great loss may accrue to our people unless immediate action is taken on the pending bill.

The Big Bend area is one of magnificent beauty, comprising a complete mountain range known as the Chisos. These mountains have been described as the most rugged mountains in the world, wherein we find deep gorges and cliffs and mile-high peaks dyed in deep natural mineral coloring and dressed with nature's most wonderful blanket of trees, vines and grasses. From high elevations there are springs of cold water whose branches form falls and pools of indescribable beauty. From many large peaks the gorgeous scenery is as impressive as a vast fairy land. Climaxing all of these is the South Rim. From high mountain cliffs we may look down upon a landscape dotted with smaller mountains and which has been proclaimed by many as the most gorgeous on the continent. To the west and to the east the eye may, under a clear sky, view peaks from fifty miles to seventy-five miles away. To the south we may peer into the mountains of Mexico, which attain a height of more than ten thousand feet.

Situated on the southwestern border of the State, crossed by the 103rd meridian and longitudinal line of 30 degrees north, with its varying altitude, we have a climate from the torrid to the frigid. It is the only National Park comprising an entire mountain range and this is surrounded by hot, sandy desert, on a large

portion of which once stood a great forest of trees, thousands of which fell in marshy lands and were petrified and, by the process of time, have become exposed as a petrified forest, indexing a formation and development of the earth and presenting to science a lesson which they will not fully learn for generations to come.

At the foot of the mountains and in lovely places are to be found beautiful springs of hot and warm water which invite development as educational, recreational and health centers.

We are appalled by the grandeur of the mountain scenery. Formed by processes dissimilar to other mountains; situated at the only cross section between the Appalachian System and Rocky Mountains and less influenced by the destructive forces of wind and water, they expose natural formations in greater number than may be found elsewhere, so that they have been pronounced by eminent geologists as their great classroom of the age. Strangely enough, and consistent with nature, they have become the garden for a most unusual plant life, comprising a variety of nearly one thousand species. Fourteen of these are unknown to science and between thirty and forty are so rare that they have not heretofore been classified.

It is both a vegetable island and an animal island for we find here life of both in abundance which is strange to the country around for hundreds of miles away. At least eleven animals found here are strangers to the other parts of the world, while many of them are rare. This does not seem to be confined to the present age. Erosion has cut great canyons into deep formations and brought to light fossils of rare form and size. Conspicuous is the oyster shell thirty-six inches in diameter.

The Chisos Mountains are not without their history—ancient medieval and modern. They have been the refuge for the losers of skirmishes and the scenes of many raids. The word Chisos means "Ghost" and it was believed that in the early day the ghost of many who ventured the climb into them constituted the strange inhabitants. Far beyond any history of the American Indian there existed high up and among the mountains and near the top of Mt. Emery's peak a lake fed by an excessive rain-

fall at that height, around which some kind of character of human beings fixed their places of habitation either as a permanent place of abode or as a seasonal refuge. Seated here was a bit of human history which science may yet reveal. Recently there was discovered in the mountains at the mouth of a remote cliff a skull of a human being of such size and form as to puzzle the archaeologists of the time and which was the subject of an expedition by Harvard University and the Sul Ross College in September of last year. The publication on this expedition has not been issued. A prediction, however, has been made by the authorities that it will revise all conclusions of archaeologists as to the date of Indian culture in the Big Bend Country. A WPA project is now engaged in further development and has made such progress as to enable us to confidently predict that startling revolutions are yet to be made. One eminent geologist has said that the grandsons of the geologists of today will not have completed the lesson which they are now studying in this great classroom.

A great portion of the land is in private ownership and scientists from institutions throughout the United States are taking from it valuable collections which should be reserved to the park itself. Many less thoughtful people, some curiosity seekers and some from mercenary motives, are ravaging the land, collecting valuable specimens, some of which cannot be duplicated.

Because the knowledge of this area has been so widespread through many publications during the last few years, and because so many are coming to it for the purposes stated, it has become imperative that steps be taken at once to preserve the riches too numerous to detail.

A careful study of all the facts available indicate that the development of this park would yield to the State of Texas a very high return on the money it would be necessary for the State to invest. Located as it is on the extreme southwestern border of the State, citizens of Texas and tourists coming to Texas would in reaching the park, travel hundreds of miles in crossing the entire State. I have before me information based upon actual experience of the National Park Service, showing what this completed project would proba-

bly yield annually to the State of Texas in dollars and cents, once the park was in full operation. The travel figures, based on experience of eighteen principal National Parks and average annual expenditure of the Federal Government for development, maintenance and protection in parks indicate that the Big Bend National Park would result in the following expenditures annually by the Federal Government and tourists from out of the State who would come to visit this park.

It is estimated that the Federal Government would spend \$225,000 annually for the maintenance, and protection, of the park, also that this park would draw to the State 120,000 tourists each year and that these tourists would spend an average of two days in the park and that five days would be consumed in travel within the State. Furthermore, that the minimum expenditure per day of the average out-of-state visitor would be \$4.00. Combining these figures, you would have the 120,000 out-of-state visitors, remaining a seven day average period within the State and spending \$4.00 per day, together with the annual operating expenditure of the Federal Government, would bring to the State \$3,360,000 expenditure by out-of-state tourists and by the Federal Government every year. Not only would the park prove valuable from this standpoint, but it would, of course, add much to the enjoyment of the citizens through the State.

If action is taken immediately, all of this land could be purchased at a very low price. I am informed that much of it could be purchased for \$1.00 per acre, some would require a slightly higher expenditure.

I have been informed that some public-spirited citizens and organizations of our State and Nation may wish to contribute money toward the acquisition of this land by the State for presentation to the National Park Service of the United States Government, and I therefore suggest that provision be made in the bill to accept such contributions.

It seems to me that the increased tourist travel which would be brought about by development of this park would very quickly yield in additional gasoline taxes alone, an amount of money which would exceed the expenditure which the State would have to make to acquire this property.

Thereafter this park would serve as a constant source of increasing revenue for our Highway Department.

I have been informed that many parks have been offered to the National Government for National Parks, but this Big Bend area is perhaps the last important area which the National Park Department so strongly desires. The mild climate will make it an all-year-round Park, and there is talk of Mexico setting aside one million acres directly across the Rio Grande, thus making an International Park, unequalled anywhere else on earth, and a strong influence toward the "Good Neighbor" policy. The Federal Government is ready to act on this matter now and as evidence of this interest I quote herewith a letter which I have received from the President of the United States.

**"THE WHITE HOUSE
WASHINGTON**

February 4, 1939.

"My dear Governor O'Daniel:

"As you may know, I am very much interested in the proposed Big Bend National Park in your State. I have been hoping that this Park could be dedicated during my administration. My advice is that this large and very interesting area could be bought for a comparatively small sum - - a sum that would be insignificant in comparison with the economic returns that would flow to the State of Texas and to the Nation, from every point of view.

"If the Texas Legislature at this session should see fit to make an appropriation for the acquisition of this land, it would be very gratifying to me personally, and I am sure that it would win the general approval of people everywhere.

"With personal regards,

Sincerely yours,

(Signed)

FRANKLIN D. ROOSEVELT.

"Hon. W. Lee O'Daniel,
Governor of Texas,
Austin, Texas."

In view of the importance of this matter I most respectfully recommend that the Legislature GIVE IMMEDIATE ATTENTION TO THIS MATTER and that it enact such legislation as may be necessary to consummate this project.

Respectfully submitted,

W. LEE O'DANIEL,
Governor of Texas.

Bills Signed

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bills:

H. B. No. 281 "An Act creating a Special Road Law for Potter County, Texas, providing that said county may fund or refund designated interest-bearing time warrants in an amount not exceeding \$42,000.00 outstanding against its Road and Bridge Fund as of January 1, 1939, by the issuance of funding bonds and setting forth the method of issuing same; validating all acts of the Commissioners' Court and of the county officials of said county in authorizing, levying taxes to pay principal and interest thereon and in issuing and delivering said warrants; prescribing the duties of the Attorney General and of the Comptroller of Public Accounts in reference to the bonds authorized herein; providing that the provisions of this law shall take precedence over all laws in conflict herewith; enacting provisions incident to and relating to the subject and purpose of this Act, and declaring an emergency."

H. B. No. 479, "An Act providing for the funding by the Commissioners' Court of Haskell County of any and all items of indebtedness outstanding on January 1, 1939, against the Road and Bridge Fund of said county, including scrip and time warrants by issuing coupon bonds of said county; providing that no warrants shall be issued until the bonds are paid in full and there is a cash balance at the time of issuance, and declaring an emergency."

H. B. No. 152, "An Act ratifying the Rio Grande Compact between the States of Colorado, New Mexico, and Texas, entered into by commissioners representing the three states and the United States on March 18, 1938; authorizing the Governor of Texas to appoint a commissioner to administer the provisions of the Compact; providing for the salary and necessary expenses of the commissioner; and declaring an emergency."

S. B. No. 273, "An Act making an appropriation of the sum of \$275,000, or so much thereof as may be necessary . . . to pay the contingent expenses and to pay the per diem of

members and per diem of officers and employees of the Regular Session of the Forty-sixth Legislature, and declaring an emergency."

H. B. No. 553, "An Act validating all interest bearing time warrants heretofore authorized by cities having a population of two hundred and eighty-five thousand (285,000) or more according to the latest United States Census, issued or authorized to be issued in payment or part payment for the construction of administration buildings, hangars and hangar doors for its airport and/or to improve, enlarge, extend or repair its airport; providing that such warrants shall not be invalid on account of irregularities in the notice to bidders or because the notice to bidders did not contain notice that it was the intention of the governing body to pay for such improvements and the contracts therefor by the issuance of time warrants; providing that the contracts for such improvements and payment therefor by the issuance of interest bearing time warrants shall not be invalid on account of the notice to bidders not containing a clause to the effect that it was the intention to pay for such improvements and the contracts therefor by the issuance of time warrants; providing this Act shall apply to such warrants and the contracts on which they are based whether such warrants shall have been completely issued or whether they have been authorized by ordinance and not as yet completely issued and authorizing their completion, and declaring an emergency."

H. B. No. 221, "An Act amending Acts of 1934, Third Called Session, Forty-third Legislature of Texas, page 118, Chapter 63; otherwise identified as Article 3886d, Revised Civil Statutes of 1925, by authorizing the District Attorney of the Ninth Judicial District to appoint a special investigator in and for Montgomery County, Texas, providing salary, and declaring an emergency."

Senate Bill 150 on Second Reading

Senator Moffett called S. B. No. 150 from the President's table for consideration at this time.

The President laid before the Senate, on its second reading and passage to engrossment:

S. B. No. 150, A bill to be entitled "An Act amending Chapter 206 of the Acts of the Regular Session of the Forty-second Legislature, same being House Bill No. 768; creating and providing a uniform budget system for the State, etc., and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to engrossment?

Joint Session

At 11:30 o'clock a. m., the President announced the hour heretofore fixed by joint action of the two Houses to meet in joint session to hear an address by Hon. Nathan Straus had arrived, and he requested the Senators to proceed in a body to the Hall of the House of Representatives.

The Senate was announced at the Hall of the House, and the Senators were admitted and escorted to seats prepared for them along the aisle.

The President of the Senate, by invitation of the Speaker, occupied a seat on the Speaker's stand.

Hon. Homer Leonard, occupying the Speaker's Chair temporarily, called the House to order, and directed the Clerk to call the roll of the House.

The roll was called, and a quorum of the House was announced present.

The President of the Senate called the Senate to order, and announced a quorum of the Senate present.

Hon. Nathan Straus was announced at the bar of the House.

Accompanied by Governor O'Daniel and others, he was escorted to the Speaker's stand by Representatives Thornberry, Boyd, Bell, Goodman and Celaya.

The Speaker (Mr. Leonard in the Chair) presented Representative Thornberry, who introduced Hon. Nathan Straus to the joint session.

Hon. Nathan Straus then addressed the joint session.

At the conclusion of the address, the President announced the business of the joint session completed and requested the Senators to repair to the Senate Chamber.

In the Senate

The President called the Senate to order at 12:00 o'clock m.

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, March 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 166, A bill to be entitled "An Act to amend Senate Bill No. 249, Chapter 122, of the General Laws passed by the Regular Session of the Thirty-eighth Legislature, and approved March 23, 1923, being Article 2797 of the Revised Civil Statutes of 1925, providing for the issuance of serial coupon bonds for school purposes; authorizing such bonds to be issued by the Board of Trustees of any city or town which has assumed the control of its public free schools, or shall hereafter assume control thereof, where control of such schools is exercised through a Board of Trustees; providing for the calling and holding of election to authorize issuance of such bonds, and the issuance thereof in form and manner authorized in respect of independent school districts proper; providing for the levy and collection of tax necessary for the service of such bonds; providing that such bonds shall be the obligations of the city or town in its capacity as a school district proper and that any limitation in the amount of bonded indebtedness permitted such city or town contained in the charter of such city or town, or in other provision of law, general or special, shall not apply to the issuance of such bonds; repealing all laws and parts of laws, general and special, in conflict herewith; and declaring an emergency."

H. B. No. 170, A bill to be entitled "An Act providing for a more adequate and equitable salary for County Superintendents of Public Instruction in all those counties of Texas coming within the brackets and population figures herein—Specifically, in all those counties having not less than 50,000, and not

more than 50,100 according to the Federal Census of 1930; modifying all laws or parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 173, A bill to be entitled "An Act amending Article 6954, Chapter 6, Title 121 of the Revised Civil Statutes of Texas, 1925, as amended in Chapter 245 of the Acts of the Regular Session of the Fortieth Legislature of Texas, as amended in Chapter 5 of the Acts of the Regular Session of the Forty-first Legislature of Texas, and as further amended in Chapter 71 of the Acts of the First Called Session of the Forty-first Legislature of Texas, the latter being House Bill No. 120, passed by the First Called Session of the Forty-first Legislature, and further amended in Chapter 8, of the Acts of the Third Called Session of the Forty-first Legislature, Senate Bill No. 22, and further amended in Chapter 313 of the Acts of the Regular Session of the Forty-second Legislature, and as further amended by Chapter 9 of the Acts of the Third Called Session of the Forty-second Legislature, and as further amended by Chapter 48 of the Acts of the Regular Session of the Forty-third Legislature, and as further amended by Chapter 34, of the Special Laws of the Acts of Regular Session of the Forty-fourth Legislature, and as further amended by Chapter 189 of the Acts of Regular Session of the Forty-fifth Legislature, with reference to the mode of preventing horses and certain other animals from running at large in the counties named so as to include in said Article the County of Frio, and declaring an emergency."

H. B. No. 239, A bill to be entitled "An Act providing for the amount that may be allowed by County Boards of Trustees to the County Superintendents of Public Instruction for expenditures for office and traveling expenses in certain counties according to the last preceding Federal Census; making this Act cumulative of all General Laws on the same subject, such General Laws to apply except in case of conflict when the provisions of this Act shall control, and declaring an emergency."

H. B. No. 267, A bill to be entitled "An Act to amend Section 22a of Article 734a of the Penal Code of the

State of Texas, regarding the venue of appeals from the order of the State Board of Barber Examiners, and declaring an emergency."

H. B. No. 269, A bill to be entitled "An Act to amend Article 5517 of Title 91 of the Revised Civil Statutes, 1925, of the State of Texas, so as to provide that the right of the State shall not be barred by any of the provisions of this title, and to provide that no person shall ever acquire, by occupancy or adverse possession, any right or title to any part or portion of any road, street, alley, sidewalk or grounds belonging to any town, city or county, or which has been donated or dedicated for public use in any such town, city or county by the owner thereof, or which has been laid out or dedicated in any manner to public use in any town, city or county in this State, and declaring an emergency."

H. B. No. 341, A bill to be entitled "An Act relating to the time of holding court in the several counties constituting the 51st Judicial District of Texas, composed of the counties of Tom Green, Irion, Schleicher, Coke and Sterling, fixing the terms for holding court in each county; amending Chapter 367, Acts of the Regular Session of the Forty-second Legislature, 1931; relating to the time of holding court in the several counties constituting the 119th Judicial District of Texas, composed of the counties of Coleman, Concho, Runnels and Tom Green, fixing the terms for holding court in each county; amending Chapter 349, Acts of the Regular Session of the Forty-fifth Legislature, 1937; repealing all laws in conflict therewith, and declaring an emergency."

H. B. No. 357, A bill to be entitled "An Act authorizing the Commissioners' Court in any county having a population of not less than twenty-three thousand, eight hundred twenty-five (23,825) and not more than twenty-three thousand, eight hundred fifty (23,850) inhabitants, according to the last preceding Federal Census, to lease any county hospital belonging to said county, and providing for the terms for said lease, and declaring an emergency."

H. B. No. 473, A bill to be entitled "An Act creating the office of County Purchasing Agent in all counties in

this State having a population of more than 140,000 inhabitants and less than 290,000 inhabitants, and wherein is situated an incorporated city of more than 140,000 inhabitants, according to the last preceding Federal Census; providing generally the rights, powers and duties of such Agent in reference to the handling and purchase of supplies, materials and equipment and in reference to contracting for repairs to property, and for expenditures generally; providing the means, manner and method of appointment, tenure and compensation of said Agent; prescribing offenses, fines and penalties; prescribing the duties of certain other officers in connection therewith; and providing that if any portion of this Act is held unconstitutional the remaining part of said Act will remain unaffected, and declaring an emergency."

H. B. No. 303, A bill to be entitled "An Act authorizing the Commissioners' Court in any county having a population of not more than seven thousand seven hundred (7,700) and not less than seven thousand six hundred eighty (7,680) inhabitants, according to the last preceding Federal Census, to lease any county hospital belonging to said county, and providing for the terms for said lease, and declaring an emergency."

H. B. No. 343, A bill to be entitled "An Act to amend Article 2965, Title 50, Chapter 5, of the Revised Civil Statutes of Texas, of 1925, as amended by Acts of the Forty-first Legislature, 1929, page 248, Chapter 109, Section 2, as amended by the Acts of the Forty-first Legislature, 1929, First Called Session, page 111, Chapter 51, Section 2, providing for form of receipt for payment of poll tax; amending Article 2970, Title 50, Chapter 5, of the Revised Civil Statutes of Texas, of 1925, prescribing the number of poll tax books to be issued, the time of such issue, the character of books furnished, providing for duplicate copies of said books, prescribing the data to be placed in said books, providing for the manner of delivery of certificates from said books; amending Article 2975, Title 50, Chapter 5, of the Revised Civil Statutes of Texas, of 1925, prescribing and making it the duty of the tax collector to tabulate a list of voters, prescribing the time such duty shall be performed, prescribing the num-

ber of such lists and the mode and manner of issuing the same, prescribing for description of voter, his residence, his voting precinct, and the list of his residence in the State and county, prescribing the form of such lists; defining offenses for violation of said Act and prescribing punishment therefor, and declaring an emergency."

H. B. No. 348, A bill to be entitled "An Act to diminish the civil and criminal jurisdiction of the County Court of Glasscock County, to conform to the jurisdiction of the District Court thereof, and to repeal all laws in conflict herewith, and declaring an emergency."

H. B. No. 300, A bill to be entitled "An Act fixing the open season for taking squirrels in Shelby County; providing a suitable penalty for violation of this Act; repealing all conflicting laws, and declaring an emergency."

H. B. No. 387, A bill to be entitled "An Act to amend Article 1970-314 Revised Civil Statutes of Texas, 1925, by diminishing the jurisdiction of the County Court of Red River County, Texas, in certain criminal cases; and conforming the jurisdiction of the District Court of such County to such change; repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 381, A bill to be entitled "An Act amending Article 200, Title 6, Chapter 2 of the Penal Code of the State of Texas, 1925, making it unlawful to give out any poll tax receipt, or certificate of exemption in blank, to issue any poll tax receipt, or certificate of exemption in blank, or to deliver any poll tax receipt or certificate of exemption to any fictitious person, fixing a penalty therefor, and declaring an emergency."

H. B. No. 350, A bill to be entitled "An Act to amend Article 198, Title 8, Revised Civil Statutes of 1925, and declaring an emergency."

H. B. No. 234, A bill to be entitled "An Act authorizing the County Boards of certain counties to set aside an amount not to exceed Six Hundred (\$600.00) Dollars to defray the expenses of the County Superintendent and County School Board of

scholastic affairs; repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 272, A bill to be entitled "An Act providing that it shall be unlawful to kill wild turkey in the Counties of Madison, Houston, Walker, San Jacinto and Grimes for a period of five years from and after passage of this Act; repealing all conflicting laws; providing a suitable penalty, and declaring an emergency."

H. B. No. 414, A bill to be entitled "An Act validating all Ordinances of Home Rule Cities in Texas incorporated under and operating under the provisions of the Home Rule Amendment to the Constitution of the State of Texas and under Title 28, Chapter 13 of the Revised Civil Statutes of Texas, 1925, where such Ordinances have been passed in compliance with the charters of such Home Rule Cities and have been published, as provided in such charters, where such charters require same to be published, and declaring an emergency."

H. B. No. 413, A bill to be entitled "An Act providing that all Ordinances hereinafter enacted by Home Rule Cities in the State of Texas, organized and operating under the Home Rule Amendment to the Constitution of the State of Texas, and the provisions of Title 28, Chapter 13, of the Revised Civil Statutes of Texas, 1925, shall be published as provided in the charters of such cities, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 461, A bill to be entitled "An Act providing for the amount of salary that may be paid by County Boards of Trustees to the County Superintendent of Public Instruction in counties with a population of not less than eighteen thousand, seven hundred and sixty (18,760) and not more than eighteen thousand, nine hundred and sixty (18,960), according to the last preceding Federal Census; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 441, A bill to be entitled "An Act to amend Article 4386a of the Revised Civil Statutes of Texas of 1925, which Article was added to said statutes by S. B. No. 456, Chap-

ter 51, Acts of the Regular Session of the Forty-third Legislature of Texas, and declaring an emergency."

H. B. No. 474, A bill to be entitled "An Act to fix the salary of the Superintendent of Public Instruction in counties having a population of not less than 22,100 nor more than 22,600, according to the last preceding Federal Census, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 431, A bill to be entitled "An Act providing pay for County Board members of certain counties and limiting the number of sessions to be paid for, and declaring an emergency."

H. B. No. 339, A bill to be entitled "An Act providing for a closed season on deer and wild turkey in Bastrop County for a period of five years; providing a suitable penalty for violation of this Act; repealing all conflicting laws, and declaring an emergency."

H. B. No. 722, A bill to be entitled "An Act providing for the sum of money required for placing names on the primary ballot in certain counties, repealing all laws and parts of laws in conflict, and declaring an emergency."

H. B. No. 548, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts which include within their limits a city which has more than seven thousand, eight hundred and fifty (7,850) population, and fewer than eight thousand (8,000) population, according to the last Federal Census, whether under General or Special Law, repealing all laws in conflict herewith, both General and Special, and providing, further, that this Act shall not affect any such independent school district which at this time may have a larger authorized rate of taxation, and declaring an emergency."

H. B. No. 517, A bill to be entitled "An Act amending S. B. No. 514, Chapter 101, page 140 of the Special Laws of the Regular Session of the Forty-third Legislature, 1933, eliminating certain counties from the provisions of said Act, and declaring an emergency."

H. B. No. 500, A bill to be entitled "An Act amending Chapter 33 of the Local and Special Laws of the Thirty-sixth Legislature of Texas, Regular Session, as amended by Chapter 7 of the Local and Special Laws of the Thirty-sixth Legislature of Texas, Second Called Session, by adding thereto Sections 30a and 30b, providing that the Commissioners' Court of Hill County, Texas, may authorize and issue refunding bonds of said County for the purpose of funding certain scrip warrants outstanding against its Road and Bridge Fund as of February 15, 1939, and setting forth the method of issuing same; validating all acts of the Commissioners' Court and of the county officials of said county in authorizing, issuing and delivering said warrants, providing that the General Laws pertaining to roads and bridges shall be applicable to said county when not in conflict herewith; repealing all laws and parts of laws in conflict herewith; enacting provisions incident to and relating to the subject and purpose of this Act, and declaring an emergency."

H. B. No. 532, A bill to be entitled "An Act repealing Chapter 223 of the Acts, 1937, Forty-fifth Legislature, Regular Session, and declaring an emergency."

H. B. No. 542, A bill to be entitled "An Act amending H. B. No. 726, Acts of the Forty-fifth Legislature approved May 5, 1937, and creating San Antonio River Canal and Conservancy District under authority of Section 59 of Article 16 of the Constitution of the State of Texas to be a governmental agency, municipality, body politic and corporate; defining certain words and phrases used therein; defining the boundaries of said District and ways of extending same; declaring creation of this district essential to accomplishment of purposes of Section 59 of Article 16, Constitution of State of Texas; providing the said district shall not levy nor collect taxes nor pledge credit of the State; . . . etc.; providing for enforcement of penalties; providing for duties of State Board of Water Engineers, and Reclamation Engineers; providing for Board of nine directors, etc."

H. B. No. 495, A bill to be entitled "An Act providing for traveling ex-

penses of County Commissioners of certain counties, and declaring an emergency."

H. B. No. 544, A bill to be entitled "An Act validating the organization, creation, annexation, and/or change of boundaries of all school districts in counties having a population of not less than two thousand, seven hundred and fifty (2,750), and not more than two thousand, eight hundred and fifty (2,850), according to the last preceding Federal Census, including Common School Districts, Independent School Districts, Consolidated School Districts, all County Line School Districts in which the school building is located in such counties having a population of not less than two thousand, seven hundred and fifty (2,750), and not more than two thousand eight hundred and fifty (2,850), according to the last preceding Federal Census, Rural High School District, and all other School Districts, groups or annexations of whole districts or parts of districts, whether created by General or Special Laws or by County Boards of Trustees; . . . etc., and declaring an emergency."

H. B. No. 595, A bill to be entitled "An Act fixing the compensation of sheriffs in all counties of the State of Texas having a population of not less than twenty-seven thousand, two hundred and thirty-five (27,235) and not more than twenty-seven thousand, three hundred (27,300), according to the last Federal Census, in which there are no district attorneys; providing for the appointment by such sheriffs of such counties of at least one (1) special deputy sheriff and one (1) deputy sheriff; prescribing the powers and duties of such deputies; fixing the compensation therefor; providing mode and manner of payment of such salaries; providing that this Act shall be cumulative of all other Acts not in conflict herewith; repealing all laws and parts of laws in conflict to the extent of the conflict only, and declaring an emergency."

H. B. No. 624, A bill to be entitled "An Act making it unlawful to hunt, take or pursue any wild deer in the County of Galveston for a period of five (5) years following the passage of this Act; providing a suitable penalty, repealing all laws or parts of

laws in conflict with this Act, and declaring an emergency."

H. B. No. 516, A bill to be entitled "An Act to validate acts of city officials and proceedings of city governing bodies in borrowing money from the Reconstruction Finance Corporation or other agencies of the United States Government for the purpose of making repairs and extensions, or either, to a dam comprising part of a waterworks system; declaring money so borrowed with interest thereon, to be a legal obligation of such city or town payable from the revenues of its waterworks system, and declaring an emergency."

H. B. No. 687, A bill to be entitled "An Act giving civil jurisdiction to the Criminal District Court of Jefferson County of suits and causes in matters of divorce, dependent and delinquent children, adoption and habeas corpus in civil proceedings; providing for the transfer and trial of such causes and the duties of the officers of the Court; providing for the civil procedure therein in accordance with the general civil statutes and Article 2092, Revised Civil Statutes of Texas, of 1925, and providing for appeals in civil matters to the Court of Civil Appeals for the Ninth Supreme Judicial District of Texas, and declaring an emergency."

H. B. No. 533, A bill to be entitled "An Act providing for the creation of the office of Criminal District Attorney in counties having a population of not less than thirty-two thousand (32,000) and not more than seventy-five thousand (75,000) inhabitants, according to the last preceding Federal Census, and declaring an emergency."

H. B. No. 572, A bill to be entitled "An Act authorizing the transfer of causes from the County Criminal Court of Dallas County, Texas, to the County Courts at Law of Dallas County, Texas, and declaring an emergency."

H. B. No. 554, A bill to be entitled "An Act enabling cities of over two hundred and eighty-five thousand (285,000) population to establish two (2) or more Corporation Courts; providing such Courts shall have the usual jurisdiction now given to Corporation Courts by the General Law of the State of Texas, enabling cities

to prescribe the qualifications of the recorder of said Courts; that cases may be transferred from one Court to the other; that there shall be one Corporation Court Clerk; that complaints shall be filed to assure equal distribution of cases; providing that the procedure shall be as provided by the General Law of Texas; repealing all laws in conflict herewith; providing a saving clause, and declaring an emergency."

H. B. No. 444, A bill to be entitled "An Act to be entitled an amendment to Section 1, Article 306, Fur Bearing Animal Laws as passed by Acts of Regular Session, Forty-fifth Legislature."

S. B. No. 42, A bill to be entitled "An Act to amend Article 554 of the Penal Code of the State of Texas, relating loan limits, and declaring an emergency." (With amendments)

S. B. No. 128, A bill to be entitled "An Act to repeal the Bosque County Special Road Law, being Chapter 33, page 101, Special Laws of the Regular Session of the Thirty-third Legislature, and the amendments to said laws passed by Chapter 17, page 328, of the Local and Special Laws of the First Called Session of the Thirty-fifth Legislature, and declaring an emergency."

S. B. No. 96, A bill to be entitled "An Act amending Article 2350 of the Revised Statutes of the State of Texas, providing for the compensation of County Commissioners in any County where the population is less than 20,000 inhabitants and which has a tax valuation of not less than \$17,000,000 and not exceeding \$25,000,000 according to the last approved tax roll and with a total area of less than 950 square miles and not exceeding an area of 980 square miles, and declaring an emergency." (With amendments)

S. B. No. 97, A bill to be entitled "An Act amending Article 3883 of the Revised Statutes of the State of Texas, providing for the maximum compensation of county officials in any county where the population is less than 20,000 inhabitants and which has a tax valuation of not less than \$17,000,000 and not exceeding \$25,000,000 according to the last approved tax roll and with a total area of not less than 950 square miles and

not exceeding a square area of 980 square miles, and declaring an emergency."

Respectfully submitted,
E. R. LINDLEY,
Chief Clerk, House of Representatives.

House Bills on First Reading

The following bills received from the House today, were laid before the Senate, read severally first time, and referred to the committees indicated:

H. B. No. 474, to Committee on Counties and County Boundaries.

H. B. No. 413, to Committee on Towns and City Corporations.

H. B. No. 414, to Committee on Towns and City Corporations.

H. B. No. 234, to Committee on Counties and County Boundaries.

H. B. No. 272, to Committee on Game and Fish.

H. B. No. 173, to Committee on Stock and Stock Raising.

H. B. No. 387, to Committee on Civil Jurisprudence.

H. B. No. 300, to Committee on Game and Fish.

H. B. No. 348, to Committee on Civil Jurisprudence.

H. B. No. 350, to Committee on Judicial Districts.

H. B. No. 381, to Committee on Criminal Jurisprudence.

H. B. No. 343 to Committee on Privileges and Elections.

H. B. No. 303, to Committee on Counties and County Boundaries.

H. B. No. 357, to Committee on Counties and County Boundaries.

H. B. No. 341, to Committee on Judicial Districts.

H. B. No. 473, to Committee on Counties and County Boundaries.

H. B. No. 269, to Committee on Civil Jurisprudence.

H. B. No. 267, to Committee on Criminal Jurisprudence.

H. B. No. 239, to Committee on Counties and County Boundaries.

H. B. No. 444, to Committee on Game and Fish.

H. B. No. 554, to Committee on Towns and City Corporations.

H. B. No. 572, to Committee on Civil Jurisprudence.

H. B. No. 533, to Committee on Counties and County Boundaries.

H. B. No. 687, to Committee on Criminal Jurisprudence.

H. B. No. 624, to Committee on Game and Fish.

H. B. No. 544, to Committee on Education.

H. B. No. 516, to Committee on Towns and City Corporations.

H. B. No. 166, to Committee on Education.

H. B. No. 170, to Committee on Counties and County Boundaries.

H. B. No. 595, to Committee on Counties and County Boundaries.

H. B. No. 495, to Committee on Counties and County Boundaries.

H. B. No. 542, to Committee on State Affairs.

H. B. No. 500, to Committee on Counties and County Boundaries.

H. B. No. 532, to Committee on Game and Fish.

H. B. No. 517, to Committee on Game and Fish.

H. B. No. 548, to Committee on Education.

H. B. No. 722, to Committee on Privileges and Elections.

H. B. No. 339, to Committee on Game and Fish.

H. B. No. 441, to Committee on State Affairs.

H. B. No. 461, to Committee on Counties and County Boundaries.

H. B. No. 431, to Committee on Counties and County Boundaries.

Advance Printing of Senate Joint Resolution 12

On motion of Senator Stone of Washington, it was ordered that S. J. R. No. 12 be mimeographed in advance of its consideration in committee.

Report of Standing Committee

Senator Lemens, by unanimous consent, submitted at this time the following report of the Committee on State Affairs:

Austin, Texas,
February 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 190, A bill to be entitled "An Act providing for preference of employment in all State departments of this State of honorably discharged soldiers, sailors, nurses, and marines of the Army and Navy of the United States in the late Spanish-American and Philippine Insurrection Wars, in the China Relief Expedition, and the late World War of the Allied Nations; providing per cent of preference; providing mode and manner of ascertaining said per cent; providing qualifications for applicant; providing remedies in case of refusal to make such appointments; and providing exemptions from said Act; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SHIVERS, Vice Chairman.

Adjournment

On motion of Senator Stone of Washington, the Senate, at 12:20 o'clock p. m., adjourned until 10:00 o'clock a. m. next Monday, March 6, 1939.

Record of Vote

Senator Cotten asked to be recorded as having voted "nay" on the motion to adjourn.

APPENDIX

Reports of Committees on Engrossed and Enrolled Bills

Austin, Texas,
February 28, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 198 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
February 28, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on En-

grossed Bills, have had S. B. No. 252 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
February 28, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 252 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
March 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 137 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
March 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 273 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
March 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 273 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston,
Chairman.

Communication

Seguin, Texas,
February 27, 1939.

The Senate of Texas:

Thank you for the beautiful flowers and your kind sympathy.

THE F. C. WEINERT FAMILY.

THIRTIETH DAY

(Monday, March 6, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Collie	Nelson
Graves	Pace
Hardin	Redditt
Head	Roberts
Hill	Small
Isbell	Stone
Kelley	of Galveston
Lanning	Sulak
Lemens	Weinert
Martin	Winfield

Absent

Burns	Stone
Shivers	of Washington
	Van Zandt

Absent—Excused

Cotten	Spears
--------	--------

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, March 1, 1939, was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Cotten was granted leave of absence for today on account of important business, on motion of Senator Pace.

Senator Spears was granted leave of absence for today on account of illness, on motion of Senator Nelson.

Reports of Standing Committees

Senator Nelson submitted the following report of the Committee on Labor:

Austin, Texas,
March 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.